

Notice of Allowability

Application No.

10/043,681

Examiner

Paul S. Hyun

Applicant(s)

MARKART, ERNST

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to R.C.E. filed on 19 June 2007.
2. ☒ The allowed claim(s) is/are 11, 15 and 16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/30/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

REMARKS

The R.C.E. filed by Applicant has been acknowledged. Claims 11, 13-16, 19 and 20 are currently pending.

The claim rejections under 35 U.S.C. section 112 cited in the previous Office action have been withdrawn in light of the amendments.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Don MacDonald on August 29, 2007.

The application has been amended as follows:

Please add the following as the first paragraph of the Specification:

Cross Reference to Related Applications

This application is a divisional application of U.S. patent application 09/218,327 filed on 12/22/1998, and abandoned on 01/11/2002.

Claim 13 (Cancelled)

Claim 14 (Cancelled)

Claim 15 (Currently Amended)

A test strip system comprising: a test strip with a test field, and a measuring device for measuring the test strip, the measuring device having a test strip receiver including a support surface for the test strip and positioning means for securing the position of the test strip inserted in the strip receiver such that at least a portion of the test strip containing the test field assumes a definite position relative to the support surface, the positioning means including a pivotal two-armed lever having an actuator arm at one end thereof and a clamping arm at an opposing end, the two-armed lever supported for pivotal movement about an axis disposed parallel to the support surface and located between the actuator arm and the clamping arm, the clamping arm biased toward the support surface and engageable with a surface of the test strip opposite the support surface for securing the position of the test strip relative to the support surface, the actuator arm being operable for movement towards the support surface for insertion and removal of a test strip into the test strip receiver between the clamping arm and the support surface, the support surface for carrying the test strip during both of the insertion and testing thereof, wherein the clamping arm defines a groove in a surface thereof facing the support surface for guiding the test strip during insertion thereof in the strip receiver, and the clamping arm further comprises opposing edge flanges adjacent the groove, the edge flanges received in complementary recesses defined in the support surface when the clamping arm is in said clamping position.

Claim 19 (Cancelled)

Claim 20 (Cancelled)

Allowable Subject Matter

Claims 11, 15 and 16 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 11, prior art does not disclose a test strip holder comprising a test strip wherein the test strip is bent about a projection so that a test area of the test strip is biased towards and secured against a measuring opening of the test strip holder.

With respect to claims 15 and 16, prior art does not disclose a test strip holder comprising a clamping lever wherein the clamping lever comprises a groove for accommodating a test strip therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul S. Hyun whose telephone number is (571)-272-8559. The examiner can normally be reached on Monday-Friday 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSH
8/30/07


Jill Warden
Supervisory Patent Examiner
Technology Center 1700